



U.S. House of Representatives Committee on the Judiciary

F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Floor Statement Regarding Question of Personal Privilege

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) delivered the following remarks on the House floor regarding a question of personal privilege:

Mr. Speaker, I rise to a question of personal privilege.

Mr. Speaker, I yield such time as I may consume.

Mr. Speaker, I rise today to respond to false, misleading, and malicious allegations that have been made by Members of this House and reported by the media concerning the conduct of the Judiciary Committee's June 10 hearing on the "Reauthorization of the USA PATRIOT Act" and my consideration of the PATRIOT Act as Chairman of the Committee on the Judiciary.

Since becoming Chairman of the Committee in January, 2001, I have consistently demonstrated a commitment to fair and equitable consideration of issues before the Committee. Perhaps no other issue better demonstrates this commitment than the Committee's response to the tragic events of September 11, 2001.

Shortly following the attacks, I called a Committee hearing to consider draft anti-terrorism legislation at which the Attorney General and other top officials at the Department of Justice testified. At this meeting, I pledged to work with the minority to draft bipartisan legislation to help detect, deter, and defeat terrorist threats to our Nation's security. Since this time, the record clearly demonstrates that I have kept my word by conducting bipartisan and even-handed consideration of this crucial issue.

In October of 2001, the Committee unanimously approved the PATRIOT Act by a vote of 36-0. I was enormously proud of this vote, because it proved that a Committee comprising sharply diverging viewpoints could speak in a clear and united voice on an issue of overriding importance to the security, safety, and liberty of all Americans.

When drafting this legislation, I also insisted that provisions expanding the scope of Federal authority be subject to congressional reauthorization. I included sunsets on these provision because I strongly believe that Congress must play an active and continuing role in ensuring that the PATRIOT Act protects the safety and security of all Americans, while preserving the freedom and liberty that distinguish us as Americans.

To ensure that the PATRIOT Act is being implemented in a manner that reflects the priorities of Congress, on multiple occasions Ranking Member Conyers and I have sent detailed, extensive, and bipartisan inquiries to the Department of Justice concerning the implementation of this legislation. When the Justice Department did not fully respond to one set of detailed inquiries, I forcefully asserted the Committee's prerogatives by raising the possibility of a Committee subpoena to obtain the requested information.

The Committee has conducted several hearings on matters related to the PATRIOT Act, at which senior Administration officials have testified. At my request, Committee Members have also received briefings on the implementation of the PATRIOT Act from senior law enforcement officials.

On March 28, 2005, Ranking Member Conyers and I jointly announced a series of hearings on the reauthorization of the PATRIOT Act. We made this announcement in the same spirit of bipartisanship that has typified the Committee's consideration of this issue since the Committee's first hearing on this subject in September of 2001.

While the primary focus of this series of hearings has been to examine provisions in the PATRIOT Act that are set to expire at the end of this year, the scope of these hearings has been broadened to include provisions of the PATRIOT Act that will not sunset, and issues that are only tangentially related to the PATRIOT Act have also received formal Committee consideration at the request of the minority.

The record clearly proves that I have worked in a bipartisan manner to ensure that the Committee has received testimony from an array of knowledgeable witnesses of diverging view points, and that Members had ample opportunity to address questions to each of them.

By scheduling 12 hearings on reauthorization of the PATRIOT Act during this Congress, in addition to the bipartisan record established in previous Congresses, I have proven my commitment to conducting rigorous and comprehensive oversight of the

implementation of the PATRIOT Act. Since commencing this latest series of oversight hearings in April of this year, the top two officials at the Justice Department – Attorney General Gonzales and Deputy Attorney General Comey – have testified before the Committee on separate occasions. In each of the additional nine recent hearings held on this subject, the minority was allowed to designate at least one – and sometimes two – of the customary four witnesses at Committee hearings, thus providing a consistent platform for additional and often dissenting viewpoints.

The record clearly demonstrates that this Committee has engaged in a thorough, comprehensive, and bipartisan review of the PATRIOT Act since its passage. Assertions to the contrary are not only unfounded, they are plainly false, misleading, and malicious.

On June 8, 2005, the Committee held a hearing on the the “Reauthorization of the USA PATRIOT Act,” at which Deputy Attorney General Comey testified. At the commencement of this hearing, without previous notice or consultation, Ranking Member Conyers and other minority Members of the Committee requested additional witnesses to testify before the Committee on the “Reauthorization of the USA PATRIOT Act” pursuant to House Rules.

House Rule XI(2)(j)(1) states: “Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, *to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.*” I complied with this request and scheduled an additional hearing on “Reauthorization of the USA PATRIOT Act” on June 10, 2005.

At the outset of this hearing, I reminded Members and witnesses of the permissible scope of the hearing requested by the minority under House Rule XI by stating: “[I]t is the chair's intention to limit the scope of the hearing to the topic that was chosen by the Democratic minority that called this hearing and chose the witnesses, which is the reauthorization of the USA PATRIOT Act. Members and witnesses are advised that questions and testimony not falling within the subject matter of the hearing chosen by the Democrats will not be included in the hearing record, pursuant to House Rule XI.”

After reviewing the testimony of the witnesses, I again expressed my concern stating that, “I am disturbed that some of the testimony that has been presented in written form by the witnesses today are far outside the scope of the hearing, which the Democratic minority called and which they set in their letter.”

Notwithstanding repeated reminders and admonishments concerning the permissible scope of the hearing under House Rules, Ranking Member Conyers and other Members of the minority invited witnesses to provide testimony and made statements

clearly outside the scope of the reauthorization of the USA PATRIOT Act.

For example, in his opening remarks, Mr. Conyers stated: “For many of us, this process of hearings is not merely about the extension of 16 expiring provisions that sunset in the PATRIOT Act, but it is about the manner in which our government uses its legal authority to prosecute the war against terror both domestically and abroad. And as we hear from our witnesses today, I think we will demonstrate that much of this authority has been abused.”

My repeated admonishments and reminders about House Rules concerning the permissible scope of the hearing were ignored by witnesses and Members of the Committee. In the face of this refusal by witnesses and Members to appropriately conform their testimony to the subject matter of the hearing requested by the minority, I exercised great patience in permitting witnesses and Members to weigh in on issues totally unrelated to the reauthorization of the PATRIOT Act. I recognized all four witnesses, as well as each majority and minority Member present at the hearing for five minutes. The record clearly shows that I evinced no favoritism in providing time to either witnesses or Members.

At the conclusion of the hearing, when each witness and Member had been provided equal time to raise questions, and witnesses asked and received permission to submit their complete testimony into the hearing record, I expressed my great disappointment that opponents of the PATRIOT Act have used it as a vehicle to assert broad, sweeping, and sometimes wildly unsubstantiated allegations concerning matters totally unrelated to the legislation.

_____As I concluded my remarks, at least two minority Members who had been accorded their time to speak again sought recognition, and I adjourned the hearing in a manner inconsistent with the spirit of comity that has and should continue to inform Committee deliberations. While I concede this point without qualification, Members should also be aware that the practice of Democratic Chairmen of the Judiciary Committee, as well as the practice of Ranking Member Conyers during his Chairmanship of the Committee on Government Operations, was to adjourn hearings without motion and without expressly seeking the unanimous consent of Committee Members.

Since this hearing, I have been unfairly characterized by several Members of this body. In a press release dated June 10, 2005, Minority Leader Pelosi stated:

“Chairman Sensenbrenner proved again today that he is afraid of ideas, and that Republicans will stop at nothing to silence Democrats and the voice of the minority, to deny millions of Americans a voice in Congress.

Republicans are unwilling and unable to compete in the marketplace of ideas, so they have chosen to arbitrarily and capriciously abuse their power simply because

they can.”

In a similar statement, Minority Whip Hoyer stated that the Committee’s June 10, 2005 hearing represented a “quintessential example of shutting up, shutting down opposition, dissenting views, democracy.” This grossly unfair and distorted depiction of my conduct demands correction. I am not afraid of diverse ideas – I welcome them. I have never attempted to stifle democracy – and never will.

The Committee’s bipartisan consideration of the PATRIOT Act under my leadership underscores the malice that motivates these accusations. There is a difference between spirited debate and partisan vitriol that transgresses the bounds of decency and maligns the integrity of a Member of this House.

Following the hearing, the gentlewoman from Florida, Ms. Wasserman-Schultz, the newest Member of the Judiciary Committee, issued a press release asserting that I had acted in an “illegal” manner under a headline stating: “Democracy thwarted at Judiciary Committee Hearing on the Patriot Act.” In the course of this hearing, I did nothing that remotely resembles conduct that could be described as “illegal,” and as Chairman of the Committee on the Judiciary, I take particular umbrage with this mischaracterization.

The gentleman from New York, Mr. Nadler has also contended that I Chaired the hearing in a manner that was “with an attitude of total hostility.” In addition, it has been inaccurately reported that I “abruptly pulled the plug . . . when a hearing on the PATRIOT Act turned to prisoners and anti-immigration militia on the Mexican border.” These statements are clearly false. I permitted each witness an opportunity to complete his or her oral remarks, and the hearing was concluded only when each Member had been provided an equal opportunity to speak.

Following this hearing, I met with Ranking Member Conyers to discuss ways in which the Committee could respond to concerns expressed by some Members of the minority, and we reached a resolution that might have averted this impasse. However, some in the minority preferred a political issue to a workable solution. I trust that by fully and fairly examining the record of the June 10 hearing, as well as my demonstrated, longstanding record of bipartisan consideration of matters relating to the PATRIOT Act and other issues before the Committee, Members of this House and the public at large will reject the false, malevolent, and derogatory allegations leveled against me by certain minority Members of this body.

Mr. Speaker, the American people expect and deserve Members of Congress to approach terrorism-prevention in a thoughtful, factual, and responsible manner. All too often, opponents of the PATRIOT Act have constructed unfounded and totally unrelated

conspiracy theories, erected straw men that bear no relation to reality, engaged in irresponsible and totally unfounded hyperbole, or unjustly impugned the law enforcement officials entrusted with protecting the security of America's citizens. While the PATRIOT Act was drafted and passed by both Houses of Congress with wide bipartisan majorities, it has been transformed by some into a political weapon of choice to allege a broad range of violations having nothing to do with the legislation. These efforts coarsen public debate and undermine the responsible, substantive examination that must inform congressional consideration of this critical issue.

I will not be deterred by malicious attacks or minority obstructionism. In the coming months, I will continue to energetically discharge my responsibilities as Chairman to ensure thorough, bipartisan, and thoughtful consideration of issues relating to the PATRIOT Act and other legislation before the Committee.

This House, and the American people who have elected us to represent them, expect and deserve no less.

I yield back.

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